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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID WASSERMAN, ) Case No. C 11-2772 EDL  
Plaintiff, )  
v. )  
UNITED STATES OF AMERICA, )  
Defendant. )  
)  
**STIPULATION AND ~~PROPOSED~~ ORDER  
SETTING BRIEFING SCHEDULE AND  
CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE  
AS MODIFIED**

The parties, having both previously consented to allow the Court to conduct all further proceedings in this matter, have reached the following stipulation, all of which is subject to the Court's approval.

Counsel for defendant has advised counsel for plaintiff of defendant's intention to file a motion to dismiss the complaint. This motion will be filed on or before November 30, 2011, a few days prior to the deadline to respond to the complaint because of leave long scheduled for defendant's counsel. The parties have discussed a briefing schedule to accomodate their respective schedules and which they believe is most efficient for their respective clients.

Defendant will notice his motion for hearing on February 7, 2012 at 9:00 a.m. The parties have agreed that Plaintiff will have until January 6, 2012 to file any opposition papers and Defendant will have until January 20, 2012 to file any reply papers. The parties have further stipulated to request that the Court continue the Initial Case Management Conference from December 20, 2011 to February 7, 2012 at 10:00 a.m., the same day as the motion hearing date.

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/ Michael T. Pyle

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**MICHAEL T. PYLE**  
Assistant United States Attorney  
Counsel for Defendant United States of America

/s/ Michael Cohen

**MICHAEL COHEN**  
Attorney at Law  
Counsel for Plaintiff David Wasserman

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Defendant's motion to dismiss is to be filed on or before November 30, 2011. Plaintiff's opposition to the motion is due on or before January 6, 2012. Defendant's reply in support of the motion is due on or before January 20, 2012. Defendant shall notice the motion for hearing on February 7, 2012 at 9:00 a.m. The Court reserves the right to continue the hearing or decide the motion without a hearing should the Court decide that it is appropriate to do so. The initial Case Management Conference is continued from December 20, 2011 to February 7, 2012 at ~~10:00~~ a.m. The parties shall file a joint Case Management Conference Statement on or before January 31, 2012.

Dated: November 23, 2011

Elijah R D Laporte  
HON. ELIZABETH D. LAPORTE  
United States Magistrate Court Judge